

16.01.2024

Serial no. 12

Anticipatory bail

[Rejected]

2d

CRM (A) 103 of 2024

*In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Goalpokher** Police Station Case No. **272** of **2023** dated **14.05.2023** under Sections **343/323/302/34** of the Indian Penal Code, 1860.*
(G.R. Case No. 1320 / 2023)

-And-

In the matter of : **Jarina Khatun & Ors.**

... ..**Petitioners**

Mr. Kallol Mondal,
Mr. Amit Roy,
Mr. Krishanu Ray,
Mr. Souvik Das,
Mr. A. Banerjee, Advocates
... .. For the Petitioners

Mr. Sanjib Kr. Dan, Advocate
... ..For the State

Mr. , Advocate
... ..For the de facto complainant

Leave granted to the learned advocate on record for the petitioners to correct the cause title.

Petitioners pray for anticipatory bail.

Learned advocate for the petitioners submits that the petitioners were falsely implicated. There was a dispute with regard to immovable property. There was an incident of altercation on the previous day. Thereafter, one person assaulted the victim whereupon, the victim died. The entire family of the person assaulting the victim was sought to be roped in. Police filed charge sheet and, therefore, custodial interrogation of the petitioners is not required.

Learned advocate for the State draws the attention of the Court to the materials in the case diary.

The postmortem report of the victim suggests that the death was homicidal in nature.

There are eye-witness account of the incident recorded under Section 161 of the Criminal Procedure Code which speaks of the disputes between the victim and the petitioners with regard to immovable property. Such witness also places all the petitioners before us at the place of occurrence when the incident of assault took place leading to the death of the victim.

In such circumstances, considering the gravity of the offence and the involvement of the petitioners in the incident, we are unable to grant anticipatory bail to the petitioners.

Prayer for anticipatory bail of the petitioners is **rejected**.

CRM (A) 103 of 2024 is dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)